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**SUBSTITUTE SENATE JOINT MEMORIAL 8032**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Franklin, Kohl-Welles, Thibaudeau, Kline and McAuliffe)

READ FIRST TIME 02/03/06.

1 TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,  
2 AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4 UNITED STATES, IN CONGRESS ASSEMBLED, AND TO DR. ANDREW C. VON  
5 ESCHENBACH, ACTING DIRECTOR OF THE UNITED STATES FOOD AND DRUG  
6 ADMINISTRATION:

7 We, your Memorialists, the Senate and House of Representatives of  
8 the State of Washington, in legislative session assembled, respectfully  
9 represent and petition as follows:

10 WHEREAS, No primary form of contraceptive is totally effective in  
11 preventing unintended or undesired pregnancies in women; and

12 WHEREAS, Many women would prefer an optional method of preventing  
13 such pregnancies other than abortion; and

14 WHEREAS, A prescription emergency contraceptive for women, commonly  
15 referred to as "Plan B," was approved in 1999 by the United States Food  
16 and Drug Administration (FDA); and

17 WHEREAS, In 2003, the FDA's Nonprescription Drugs and Reproductive  
18 Health Drugs Advisory Committees strongly recommended that "Plan B" be  
19 sold over-the-counter without a prescription; and

1           WHEREAS, In May 2004, the FDA, ignoring the advice of their own  
2 scientific advisory committee, issued a letter of nonapproval for over-  
3 the-counter distribution of "Plan B"; and

4           WHEREAS, In June 2004, the United States Senate requested a  
5 Government Accountability Office (GAO) investigation and committee  
6 hearings into whether the FDA violated procedures and "ignored  
7 scientific evidence to arrive at its decision"; and

8           WHEREAS, In November 2005, the GAO issued its report on the FDA's  
9 "Plan B" decision and found that the FDA did not follow normal  
10 procedures in making its decision not to approve "Plan B" for over-the-  
11 counter status and had done so without proper review of scientific  
12 evidence before rendering the decision; and

13           WHEREAS, Both Susan Wood, director of FDA's Office of Women's  
14 Health and Dr. Frank Davidoff, a consultant to the FDA Nonprescription  
15 Drugs Advisory Committee resigned their positions in protest over the  
16 FDA's decision on "Plan B"; and

17           WHEREAS, Washington State has allowed specially trained pharmacists  
18 with a collaborative agreement with a physician or other prescriber to  
19 prescribe and dispense emergency contraception since 1997, which may  
20 have contributed to a decline in abortion rates; and

21           WHEREAS, Other states and Canada have also provided for over-the-  
22 counter distribution of "Plan B"; and

23           WHEREAS, As of January 2006, no decision on over-the-counter  
24 distribution of "Plan B" has been issued by the FDA;

25           NOW, THEREFORE, Your Memorialists respectfully pray that the  
26 President, Congress, and the United States Food and Drug Administration  
27 take necessary action to grant over-the-counter access status to "Plan  
28 B," an effective and safe emergency contraceptive option, for all  
29 women.

30           BE IT RESOLVED, That copies of this Memorial be immediately  
31 transmitted to the Honorable George W. Bush, President of the United  
32 States, Dr. Andrew C. Von Eschenbach, the Acting Director of the United  
33 States Food and Drug Administration, the President of the United States  
34 Senate, the Speaker of the House of Representatives, and each member of  
35 Congress from the State of Washington.

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